



MIAMI BEACH

City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

February 8, 2012

Mayor Matti Herrera Bower
Vice-Mayor Deede Weithorn
Commissioner Jorge R. Exposito
Commissioner Michael Góngora
Commissioner Jerry Libbin
Commissioner Edward L. Tobin
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Call to Order - 9:00 a.m.
Inspirational Message, Pledge of Allegiance
Requests for Additions, Withdrawals, and Deferrals

The City Commission will recess for lunch at approximately 1:00 p.m.

Presentations and Awards

PA Presentations & Awards

Consent Agenda

C2 Competitive Bid Reports
C4 Commission Committee Assignments
C6 Commission Committee Reports
C7 Resolutions

Regular Agenda

R2 Competitive Bid Reports
R5 Ordinances
R7 Resolutions
R9 New Business & Commission Requests
R10 City Attorney Reports

Reports and Informational Items

Presentations and Awards

- PA1 Proclamation To Be Presented To Detective Daniel Erben For His Heroic, Life Saving Actions While Off-Duty On January 8, 2012.
(Requested by Commissioners Jerry Libbin & Jorge R. Exposito)
(Deferred from January 11, 2012)
- PA2 Certificates Of Appreciation To Be Presented To Several Miami Beach Police Department Officers, Officer Of The Year And Civilian Of The Year.
(Requested by Commissioner Jorge R. Exposito)
- PA3 Certificate Of Appreciation To Be Presented To Assistant State Attorney Santiago Aroca.
(Requested By Commissioner Jorge R. Exposito)
- PA4 Certificates Of Appreciation To Be Presented To The Bryan Layton And Michelle Viera For Coordinating The Miami Beach Firefighters Annual Toy Drive.
(Requested by Commissioners Jorge R. Exposito & Michael Góngora)
- PA5 Certificate Of Recognition To The Sunshine Fit For Tots Program Being Administered By Playing The Game Of Life Based In Miami Beach.
(Requested by Commissioner Michael Góngora)
- PA6 Certificates Of Recognition To Be Presented To Miagreen And The City Of Miami Beach Partners For Their Participation In Miami Beach's Pavilion Entitled: Blue Skies, White Sands, Green City.
(Requested by Commissioner Michael Góngora)
- PA7 Proclamation To Be Presented To Tim Nardi For His Service And Dedication As The Chair Of The Greater Miami And The Beaches Hotel Association.
(Requested by Commissioner Michael Góngora)
- PA8 Proclamation To Be Presented To Miami Beach Senior High School, Its Students, Parents, Administration And PTSA Board For Becoming An "A" School For The First Time.
(Requested by Commissioner Jonah Wolfson & Mayor Matti Herrera Bower)
(Deferred from January 11, 2012)
- PA9 Certificate Of Recognition To Be Presented To Gabriel Cooper, Nautilus Middle School Student, For His Heroic Efforts While Assisting A School Crossing Guard.
(Requested By Commissioner Jonah Wolfson)
- PA10 Certificate Of Recognition To Be Presented To V & E Restaurant Group (Espanola Way).
(Requested By Commissioner Jonah Wolfson)

Presentations and Awards (Continued)

- PA11 Plaque To Be Presented To Enid Rodriguez For Her Dedication To Veterans On Behalf Of The Veterans Of Foreign Wars Post 3559.
(Requested by Commissioner Jerry Libbin)
- PA12 Presentation For "At Your Service Award" For January 2012.
(Human Resources)
- PA13 Certificates Of Completion To Be Presented To The City Of Miami Beach Neighborhood Leadership Academy Graduates Fall 2011 Class.
(City Manager's Office)
- PA14 Proclamation Declaring February 2012 Black History Month.
(City Manager's Office)
- PA15 Proclamation Declaring February 8th "Sabrina Cohen Day," In Honor Of Being A Winner In The National "America Inspired" Competition In The Overcoming Adversity Category.
(Requested by Commissioners Edward L. Tobin & Michael Góngora And Mayor Matti Herrera Bower)

CONSENT AGENDA

Action:
Moved:
Seconded:
Vote:

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Request For Proposals (RFP) For The Removal And Disposal Of Derelict Vessels.
(Public Works/Procurement)
- C2B Request For Approval To Issue A Request For Proposals (RFP) For Disaster Recovery Services.
(Public Works/Procurement)
- C2C Request For Approval To Issue A Request For Proposals (RFP) For Emergency Disaster Debris Monitoring Services.
(Public Works/Internal Audit/Procurement)

C2 - Competitive Bid Reports (Continued)

- C2D Request For Approval To Issue A Request For Proposals (RFP) For The Installation And Operation Of Citywide Automated Teller Machines (ATM) At Various City-Owned Properties And Facilities.

(Real Estate, Housing & Community Development)

- C2E Request For Approval To Award A Contract To Mity-Lite Inc., Pursuant To Invitation To Bid (ITB) No. 11-11/12, For Purchase And Delivery Of Magnetic Portable Dance Floors, In The Total Amount Of \$75,373.15.

(Tourism & Cultural Development/Procurement)

C4 - Commission Committee Assignments

- C4A Referral To The Capital Improvement Projects Oversight Committee - Discussion Regarding The Status Of The Contract For The Capital Improvement Project In The Biscayne Point Neighborhood.

(Requested by Vice-Mayor Deede Weithorn)

- C4B Referral To Neighborhoods/Community Affairs Committee - Discussion Regarding The Use Of Plastic Straws On The Beach.

(Requested by Commissioner Jorge R. Exposito)

- C4C Referral To The Finance And Citywide Projects Committee - Discussion Of The Current Management And Operations Of The City's Miami Beach Golf Courses, Clubhouses And Related Facilities And Options/Direction For The Future Management Agreement.

(Parks & Recreation)

- C4D Referral To The Finance And Citywide Projects Committee - Discussion Regarding Consideration Of A Letter Agreement Between The City Of Miami Beach And Art Basel Miami Beach Outlining Terms And Conditions For Use Of Public Property By Art Basel Miami Beach.

(Tourism & Cultural Development)

- C4E Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Amending The City Code To Provide For Alternative Enforcement Means And Establish A Fixed Fine Schedule For Certain Provisions.

(Building Department)

C4 - Commission Committee Assignments (Continued)

- C4F Referral To The Finance And Citywide Projects Committee Regarding A Status Report And Update On Recent Building Department Accomplishments And Activities, Including A Status Report On Implementation Of Recommendations In The Watson Rice Study, The Development Review Process Stakeholder Committee, And Other Recent Initiatives And Changes Undertaken By The Building Department.
(Building Department)
- C4G Referral To Planning Board - De-Intensification Of The I-1 Light Industrial District.
(Requested by Land Use & Development Committee)
(Legislative Tracking: Planning Department)
- C4H Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding A Draft Ordinance That Regulates Private Parking Lots Or Facilities With Automated Pay Machines.
(Requested by Commissioner Jerry Libbin)
- C4I Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Landscape Encroachments In Single Family Home Neighborhoods.
(Requested by Commissioner Edward L. Tobin)

C6 - Commission Committee Reports

- C6A Report Of The Neighborhood/Community Affairs Committee Meeting On December 8, 2011: **1)** Discussion Of Potential Policies For The Nomination/Number Of Memorials Or Commemorative Plaques. **2)** Follow-Up Discussion And Request For Direction Concerning The Continuation Or Termination Of The Dog Off-Leash Pilot Program Approved By The City Commission In South Pointe Park. **3)** Discussion Regarding Neighborhood Park/Street-Ends Bus Bench Issue. **4)** Discussion On The Viability Of Storing City Directed Towed Vehicles On Terminal Island. **5)** Discussion Regarding An Ordinance Which Prohibits Docking On City Owned Property, Specifically Seawalls. **6)** Discussion To Consider Leaving The Altos Del Mar Location As Passive Greenspace. **7)** Discussion Regarding A Proposal For A Donation Of Art Pieces To Be Displayed On Lincoln Road. **8)** Discussion Regarding The Ongoing Store Front Damages And Graffiti Issues On Washington Avenue.
(Deferred from January 11, 2012)
- C6B Report Of The Joint Meeting Of The Neighborhood/Community Affairs Committee And The Finance And Citywide Project Committee On January 19, 2012: **1)** Follow-Up Discussion Regarding Memorial Day Weekend And Planning For Next Year. **2)** Discussion Regarding A Review Of The City's Special Event Permit Policy, Which Does Not Allow For Any New Events During Spring Break And Ultra Music Festival.

C6 - Commission Committee Reports (Continued)

- C6C Report Of The Land Use And Development Committee Meeting On January 18, 2012: **1A)** Discussion Of Jurisdiction Of Land Use Boards Over Appeals. **1B)** Discussion Of Procedures For Obtaining Informal Opinions And Formal Administrative Determinations From The Planning Director. **2)** Discussion On The De-Intensification Of The I-1 Light Industrial District. **3)** Discussion Of The Miami Beach Current City Code Chapter 6-4 (3) Relating To Alcoholic Beverage Sales That Requires A 300 Foot Distance Between Liquor Stores And Ask That The City Look Into Adopting The County Requirement Of 1500 Feet. **4)** Use Of Legal Nonconforming Commercial Building In Single-Family Districts. **5)** Discussion Regarding The Stay In Approving Any Sidewalk Café Permits On The Drexel Avenue And 16th Street Sidewalks In Front Of The Retail Spaces Of The Lincoln East Garage, Located At 420 Lincoln Road.
- C6D Report Of The Finance And Citywide Projects Committee Meeting On December 27, 2011: **1)** Discussion Regarding The Miss USA Pageant. **2)** Discussion Regarding Towing Permits.

C7 - Resolutions

- C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Submit Grant Applications To: 1) Miami-Dade County EMS For Funding In The Approximate Amount Of \$20,000 For Fire Department Emergency Medical Service (EMS) Needs; 2) Florida Department Of Environmental Protection Coastal Partnership Initiative For Funding In The Approximate Amount Of \$50,000 For Dune Restoration; 3) Florida Junior Golf Council In The Approximate Amount Of \$10,000 For The Normandy Shores Youth Golf Clinic; 4) Emergency Food And Shelter Program (EFSP) For Funding In The Approximate Amount Of \$40,000 For Emergency Assistance; 5) Florida Office Of The Attorney General For Victims Of Crime Act (VOCA) Funding In The Approximate Amount Of \$59,000 For The City's Domestic Violence Program; Appropriating The Above Grants, Matching Funds And City Expenses Related To The Above Projects As Necessary, If Approved And Accepted By The City, And Authorizing The Execution Of All Documents Related To These Applications.
(Budget & Performance Improvement)
- C7B A Resolution In Support Of Adequate Homeland Security Funding And Tier I Department Of Homeland Security (DHS) Designation For The Miami-Fort Lauderdale Urban Area Security Initiative (UASI).
(Budget & Performance Improvement)

C7 - Resolutions (Continued)

- C7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Qualifications (RFQ) No. 18-11/12, For A Construction Manager At Risk Firm To Provide Pre-Construction Services And Construction Phase Services Via A Guaranteed Maximum Price (GMP) Amendment For The South Pointe Park Pier Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, The Weitz Company; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, TGSV Enterprises, Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, H. A. Contracting Corporation, And Further Authorizing The Mayor And City Clerk To Execute An Agreement For Pre-Construction Services.

(Capital Improvement Projects/Procurement)

(Memorandum & Resolution to be Submitted in Supplemental)

- C7D A Resolution Authorizing The Execution Of An Agreement With Corzo Castella Carballo Thompson Salman, Pa (C3TS) In The Negotiated Lump Sum Amount Of \$308,152 For Basic Services; And A Not To Exceed Amount Of \$194,930 For Other Direct Services; And An Additional Not To Exceed Amount Of \$20,000 For Approved Reimbursables For A Total Fee Of \$523,082, For A Design Criteria Professional To Prepare The Design Criteria Package For The Palm And Hibiscus Neighborhood Right-Of-Way Improvement Project, Which Is Intended To Be A Design-Build Contract; And To Serve As The City's Representative During The Selection Of The Design-Build Firm For The Project, Concerning The Evaluation Of The Responses Submitted By The Design-Build Firms; Review And Approve For Compliance Of The Detailed Working Drawings For The Project; And For Evaluation Of The Compliance Of The Project Construction, Pursuant To The Request For Qualification (RFQ) No. 35-10/11, With Previously Appropriated Funding From Storm Water Fund No. 431, Water & Sewer GBL Series Fund No. 420, Go Bond Fund No. 376, Neighborhood Go Bond Fund No 384, Pay As You Go Fund No. 302 And Savings From The Nautilus Row Improvement Project Fund Nos. 423 And 424.

(Capital Improvement Projects/Procurement)

- C7E A Resolution Approving An Increase To The Project Contingency, For The Right-Of-Way Infrastructure Improvement Program - Neighborhood No. 13A - Star Island, In The Amount Of \$82,995; From Previously Appropriated Funding In The Amount Of \$62,107, From Fund 420 - Water And Sewer For Unforeseen Utility Conflicts, And \$20,888 From Fund 384 – 2003 GO Bonds - Neighborhood Improvements For Additional Electrical Scope.

(Capital Improvement Projects/Procurement)

- C7F A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Amendment No. 12, To The Existing Professional Services Agreement Between The City Of Miami Beach And Chen Moore & Associates, Inc. (CMA), Dated September 8, 2004, For The City Center Right-Of-Way Neighborhood Improvement Project Bid Packages 9A And 9B; In The Negotiated Not-To-Exceed Amount Of \$150,155, Plus An Additional Amount Of \$2,000 For Approved Reimbursable Expenses; To Provide Extended Construction Administration And Resident Project Representation During Construction Of The Project; With Previously Appropriated Funding From The City Center RDA Fund 365.

(Capital Improvement Projects/Procurement)

C7 - Resolutions (Continued)

C7G Re-Appointment Of Chief Special Master

1. A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Section 30-36 Of The Code Of The City Of Miami Beach, Concerning The Re-Appointment Of Abraham Laeser, Esquire, To Serve As Chief Special Master, For A Term Commencing On March 15, 2012, And Ending On September 14, 2012; Provided Further That Chief Special Master Laeser Shall Be Authorized To Hold Hearings And Impose Fines, Liens And Other Non-Criminal Penalties Against Violators Of The City And County Codes And Ordinances, And Shall Also Be Authorized To Appoint Such Other Special Masters As May Reasonably Be Required To Conduct The Subject Hearings; And Further Incorporating All Other Matters Set Forth Within Chapter 30 Of The City Code, Including, Without Limitation, Sections 30-37 And 30-38 Thereof, Concerning The Compensation And Duties Of The Chief Special Master.
2. A Resolution Approving And Re-Appointing, Pursuant To Section 102-356 Of The City Code, Abraham Laeser Esquire, (Chief Special Master Re-Appointed Pursuant To Resolution No. _____, As The City Manager's "Designee" Under Section 102-356 Of The City Code; Said Designation Commencing With Mr. Laeser's Term As Chief Special Master On March 15, 2012, And Ending On September 14, 2012.
(City Clerk's Office)

C7H A Resolution Electing Commissioner Jerry Libbin, Group I, As Vice-Mayor For A Term Commencing On March 1, 2012, And Terminating On June 30, 2012, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.
(City Clerk's Office)

C7I A Resolution Approving A Preconstruction Application For Historic Ad Valorem Tax Exemption For A Single-Family Property At 5240 North Bay Road, And Authorizing The Miami-Dade County Property Appraiser's Office To Grant This Tax Exemption For The City's Portion Of Ad Valorem Property Taxes For Qualifying Improvements To The Subject Property Following Substantial Completion Of The Project And Compliance With Certain Conditions.
(Planning Department)

C7J A Resolution Adopting And Appropriating The Second Amendment To The Police Confiscation Trust Fund Budget For Fiscal Year 2011/2012 In The Amount Of \$402,633, To Be Funded From State Confiscated Funds In The Amount Of \$261,700 And Federal-Justice Confiscated Funds In The Amount Of \$140,933, For The Appropriation And Expenditure Of Those Items Set Forth In Exhibit "A."
(Police Department)

C7K A Resolution Authorizing The Mayor And The City Clerk To Execute A Letter Of Agreement Between The City Of Miami Beach And Florida Power And Light (FPL), Where FPL Commits To Complete Renewable Energy, Energy Efficiency And Energy Sustainability Projects.
(Public Works)

(Memorandum and Resolution to be Submitted in Supplemental)

C7 - Resolutions (Continued)

- C7L A Resolution Approving A One-Time Only Subordination Of That Certain Mortgage And Security Agreement, In The Amount Of \$2,864,642, Dated July 5, 2011, Given By MBCDC: Meridian Place, LLC, A Florida Limited Liability Corporation, As Mortgagor, To The City Of Miami Beach, As Mortgagee, In Favor Of A Commercial Lender, To Be Determined By MBCDC, For An Amount Not To Exceed \$980,000; And Further Authorizing The City Manager To Execute All Applicable Documentation.

(Real Estate, Housing & Community Development)

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

- R2A Request For Approval To Purchase Budgeted Replacement And Vehicle Additions And Equipment Pursuant To Florida State Contract No. 11-19-0907, In The Amount Of \$3,477,980.00.
(Fleet Management)
- R2B Request For Approval To Purchase Budgeted Replacement And Vehicle Additions And Equipment Pursuant To Florida State Contract No. 11-10-1202, Florida State Contract No. 11-19-0907 And GSA Contract No. GS-07F-0011J, In The Amount Of \$967,819.91.
(Fleet Management)

R5 - Ordinances

- R5A An Ordinance Amending Chapter 66, "Marine Structures, Facilities And Vehicles," Article IV, "Vessels," Section 66-151, "Launching And Hauling," To Prohibit Docking, Securing, Embarking Or Disembarking Vessels At Municipal Or Public Seawalls, Wharfs, Docks Or Bulkheads In Single Family Neighborhoods, Creating Exceptions, Providing For Repealer; Codification; Severability And An Effective Date. **10:20 a.m. Second Reading Public Hearing**
(Requested by Vice-Mayor Deede Weithorn)
(Legislative Tracking: City Attorney's Office)
(First Reading on January 11, 2012)
- R5B Temporary Removal Of Parking Spaces
An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 82, "Public Property," Amending Section 82-384, "Permitted Sidewalk Café Frontage; Requests For Expansion," To Permit Sidewalk Cafes To Extend Into A Loading Zone Fronting A Restaurant; Providing For Repealer, Codification, Severability And An Effective Date. **10:25 a.m. Second Reading Public Hearing**
(Requested by the Land Use & Development Committee)
(Legislative Tracking: Planning Department)
(First Reading on January 11, 2012)

R5 - Ordinances (Continued)

R5C Continuances By Land Use Boards

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 5, "Board Of Adjustment," Section 118-134, "Notification Of Hearings;" Article IV, "Conditional Use Procedure," Section 118-193 "Applications For Conditional Uses"; Article VI, "Design Review Procedures;" Article X, "Historic Preservation;" And Article XI "Neighborhood Conservation Districts (NCD);" To Clarify That Continuances Shall Be Noticed By Mail And Newspaper After The First Continuance Granted By A Land Use Board; Providing For Repealer; Codification; Severability And An Effective Date. **10:30 a.m. Second Reading Public Hearing**

(Requested by Commissioner Jonah Wolfson)

(Legislative Tracking: Planning Department)

(First Reading on January 11, 2012)

R5D RPS-4 Heights 2011

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 18, "PS Performance Standard District", Section 142-696 "Residential Performance Standard Area Requirements" To Modify The Maximum Height Requirements For Residential Apartment Structures; By Amending Section 142-697 "Setback Requirements In The R-PS 1, 2, 3, 4 District," To Modify The Setback Requirements For Oceanfront Buildings; Providing For Repealer, Codification, Severability And An Effective Date. **5:00 p.m. Second Reading Public Hearing**

(Requested by Commissioner Jonah Wolfson)

(Legislative Tracking: Planning Department)

(Continued from January 11, 2012)

R5E An Ordinance Granting To Florida Power And Light Company, Its Successors And Assigns, An Electric Franchise Imposing Provisions And Conditions Relating Thereto, Providing For Monthly Payments To The City Of Miami Beach, And Providing For An Effective Date. **5:05 p.m. Second Reading Public Hearing**

(Requested by the City Commission)

(Legislative Tracking: Public Works)

(Continued from January 11, 2012)

R5F An Ordinance Amending Chapter 100 Of The Miami Beach City Code, By Creating Article II Entitled, "Energy Economic Development Zone Pilot Program;" Creating Sections 100-21 Through 100-27 Thereof, Providing For Purpose, Definitions, Energy Economic Development Zone Boundaries, Eligibility Criteria, Energy Efficiency Standards, And Program Guidelines And Review To Allow Businesses In The City To Participate In The Florida Energy Economic Development Zone Pilot Program, As Further Detailed In The Ordinance; Providing For Severability; Codification, Repealer, And An Effective Date. **First Reading**

(Requested by the Sustainability Committee)

(Economic Development)

R5 - Ordinances (Continued)

- R5G Short Term Rental Of Apartment Units Or Townhomes - Flamingo Park Neighborhood
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142 Of The City Code, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Division 3, "Supplementary Use Regulations," By Amending Section 142-1111, "Short Term Rental Of Apartment Units Or Townhomes," To Allow An Extension Of Time For Applications Due To Governmental Error; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading**
(Requested by Commissioner Jorge R. Exposito)
(Legislative Tracking: Planning Department)
- R5H An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group I, Represented By The American Federation Of State, County And Municipal Employees (AFSCME) Local 1554; Group II, Represented By The Fraternal Order Of Police (FOP) William Nichols Lodge No. 8; Group III, Represented By The International Association Of Firefighters (IAFF) Local 1510; Group IV, Represented By The Communications Workers Of America (CWA) Local 3178; And Group V, Represented By The Government Supervisors Association Of Florida (GSAF) Local 100, In Accordance With The Negotiated Collective Bargaining Agreements And Providing For The Classifications In Group VI, Being All Other Classifications In The Classified Service Not Covered By A Bargaining Unit, Effective The First Full Pay Period Ending April 2012, An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%) And A Three Percent (3%) Increase To The Minimum And Maximum Of Each Pay Range; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification.
First Reading
(Included in Collective Bargaining Agreements & Approved by the City Commission in 2010)
(Legislative Tracking: Human Resources)
- R5I An Ordinance Amending Ordinance No. 1605, The Unclassified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For All Unclassified Employees, Effective The First Full Pay Period Ending In April 2012, An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%), And A Three Percent (3%) Increase To The Minimum And Maximum Of Each Pay Range; Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **First Reading**
(Legislative Tracking: Human Resources)
- R5J An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 2, Entitled "Disability Access Committee," By Amending Sec. 2-31(D) To Increase The Number Of Members From Seven (7) To Fourteen (14) And Amending The Quorum Requirement; Providing For Codification, Repealer, Severability, And An Effective Date.
First Reading
(Requested by Commissioner Jonah Wolfson)
(Legislative Tracking: Public Works)

R7 - Resolutions

- R7A A Resolution Granting And Authorizing The Mayor and City Clerk To Execute A Revocable Permit To 1790 Alton Holdings LLC, As Owner Of The Property Located At 1790 Alton Road, To Allow A Concrete "Eyebrow" To Extend Approximately Twelve Inches (12") Into The Public Right-Of-Way On 18th Street And The Service Road Adjacent To Alton Road, With A Minimum Height Of 14 Feet Above The Sidewalk. **10:15 a.m. Public Hearing**
(Public Works)
- R7B A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A First Amendment To That Certain Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (RDA) And Penn 17, LLC. (Lessee), Dated September 16, 2011, Involving The Lease Of Approximately 7,807 Square Feet Of Ground Floor Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; Said First Amendment Correcting The Gross Rentable Retail Space From 7,807 Square Feet To 7,655 Square Feet As Well As Providing For Corresponding Reductions In Lessee's Annual Rent From \$585,525, To \$574,125, And In The Charge For Common Area Maintenance (CAM) From \$100,370 Per Year, To \$98,850 Per Year. **Joint City Commission & Redevelopment Agency**
(Real Estate, Housing & Community Development)
- R7C A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee At Its October 27, 2011 Meeting, To Extend The Current Management Agreement With Greensquare, On A Month-To-Month Basis, Until Such Time As The New Flamingo Park Tennis Center Is Nearing Completion, And Coordinate The Issuance Of A Tennis Center(s) Operations And Management Agreement Request For Proposals (RFP) In A Manner To Have The Selected Operator In Place To Coincide With The Grand Opening Of The New Flamingo Park Tennis Center Facility, And Authorizing The Issuance Of The Above Referenced Request For Proposals, As Described.
(Parks & Recreation)
(Deferred from January 11, 2012)
- R7D A Resolution Approving Following A Duly Noticed Public Hearing, The Substantive Terms Of A Lease Agreement Between The City And South Florida Salon Group, Inc., For Use Of Approximately 1,327 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue, Unit 1 (A/K/A 765 17th Street), Miami Beach, Florida; Said Lease Having An Initial Term Of Five (5) Years, With One Additional Four (4) Year And 364 Day Renewal Term, At The City's Sole Discretion; And, Waiving By 5/7ths Vote, The Competitive Bidding Requirements, As Required By Section 82-39 (B) Of The Miami Beach City Code; Further Authorizing The City Administration To Negotiate A Final Lease Agreement, Based Upon The Substantive Terms Approved Herein, And If Successful, Authorizing The Mayor And City Clerk To Execute The Lease. **10:40 a.m. Public Hearing**
(Real Estate, Housing & Community Development)

R7 - Resolutions (Continued)

- R7E A Resolution Approving And Authorizing The Issuance Of Towing Permits To Beach Towing Services, Inc., And Tremont Towing Services, Inc.; Said Permit Terms Commencing On March 1, 2012, And Expiring On February 28, 2015; And Further, In Conjunction Therewith, Approving Amendment No. 2 To The Administrative Rules And Regulations For Police And Parking Towing Permits; Said Amendment Providing, Among Other Things, For An Increase To The Permit Fees And Certain Maximum Allowable Towing Rates; Providing For Certain Enhancements, Public Benefits, And Other Additional Conditions And Requirements, As Requested By The City And Set Forth In This Resolution, And All Of Which Shall Be Provided By Permittees In The Manner Prescribed By, And Within The Timeframes Outlined In Amendment No. 2, As A Condition Of The City's Approval Of This Resolution And As Consideration For The City's Issuance Of The Permits; And Also, Providing, As A Further Condition Of Approval Of This Resolution And Consideration For Issuance Of The Permits, That Beach Towing Services, Inc., On Behalf Of Itself And Including All Related Persons And Entities, As The Plaintiff And Petitioner In Those Certain Lawsuits Filed Against The City (As Such Lawsuits Are Set Forth In This Resolution), Dismiss With Prejudice Such Actions That Remain Pending With Prejudice, And To Execute A Covenant Not To Sue, In A Form Acceptable To The City Attorney, In Any Administrative Or Judicial Actions, For Itself And All Persons Or Entities Related To It, And Not To Solicit Or Encourage The Filing By Any Other Person Or Entity, Of Administrative Or Judicial Actions, Claims Or Issues That Were Or Could Have Been Raised In These Cases.

(Requested by Finance & Citywide Projects Committee)

(Legislative Tracking: Parking Department)

- R7F A Resolution Authorizing The City Manager To Negotiate Amendment No. 1 To The Management Agreement With UIA Management, LLC, Dated January 13, 2010, For The Maintenance Of The 1100 Block Of Lincoln Road Mall; Said Amendment Electing The Option, Pursuant To Section 23 Of The Management Agreement, To Expand The Scope Of Said Agreement To Cover Management And Maintenance Of The Entire Length Of Lincoln Road, From Collins Avenue To West Avenue, Including Side Streets Between Lincoln Lane (North And South); Further Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Augmenting Developer's Management And Maintenance Responsibilities To Also Require The Provision Of Security Services Within The Designated Area; Further Providing That The Final Negotiated Amendment Shall Be Brought Back To The City Commission For Approval.

(Public Works)

R9 - New Business and Commission Requests

- R9A Board And Committee Appointments.

(City Clerk's Office)

- R9A1 Board And Committee Appointments - City Commission Appointments.

(City Clerk's Office)

R9 - New Business and Commission Requests (Continued)

R9A2 Appointment Of Peter Chevalier For Commissioner To The Housing Authority.
(Requested by Mayor Matti Herrera Bower)

R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

R9C Discussion And Update Regarding The Tennis Management Contract RFP.
(Requested by Commissioner Edward L. Tobin)
(Deferred from January 11, 2012)

R9D Discussion Regarding Creating A Tennis Committee.
(Requested by Commissioner Jonah Wolfson)
(Deferred from January 11, 2012)

R9E Discussion Regarding An Ordinance Amending The Miami Beach City Code By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Creating Division 33, To Be Entitled "Tennis Advisory Committee," And By Creating Sections 2-190.148 Through 2-190.153 Thereto To Create A Tennis Advisory Committee And Provisions Establishing The Committee And Its Mission, Powers, Duties, Composition, And Supporting Department; And Providing For Repealer, Severability, Codification, And An Effective Date.
(Requested by Commissioners Michael Góngora)
(Deferred from January 11, 2012)

R9F Discussion And Update On The Citywide Dunes Maintenance Plan.
(Requested by Commissioner Edward L. Tobin)
(Deferred from January 11, 2012)

R9G Discussion Regarding Communications About The Progress Of Projects And Construction To The Local Residents.
(Requested by Commissioner Jorge R. Exposito)
(Deferred from December 14, 2011)

R9H Discussion Regarding The Status Of The Major Event Plan For The Winter Music Conference And Spring Break.
(Requested by Commissioner Jorge R. Exposito)

R9I Discussion Regarding A Resolution Urging The Florida Legislature To Repeal The Penalty Provisions In The Joe Carlucci Uniform Firearms Act Which Were Enacted During The 2011 Florida Legislative Session And Which Became Effective October 1, 2011.
(Requested by Matti Herrera Bower)
(Legislative Tracking: City Attorney's Office)

R9 - New Business and Commission Requests (Continued)

- R9J Discussion Of The Traffic Analysis Of The Proposed Relocation Of Towing Storage Facilities To Terminal Island.
(City Manager's Office)
- R9K Budget Advisory Committee Pension Reform Initiative Status Report.
(Budget & Performance Improvement)
(Memorandum to be Submitted in Supplemental)
- R9L Discussion Regarding Changes And Progress At Building Department.
(Requested by Commissioner Edward L. Tobin)
- R9M Discussion Regarding Muss Park Improvements And Seawall.
(Requested by Commissioner Edward L. Tobin)
- R9N Discussion And Referral To The Neighborhood/Community Affairs Committee Regarding Sunrise Plaza And Beachwalk.
(Requested by Commissioner Edward L. Tobin)
- R9O Discussion Regarding An Update On The Dredging And Replacement Of The 54" Force Main In Government Cut.
(Requested by Commissioner Edward L. Tobin)
- R9P Discussion Regarding A Summary Of Successes, Failures And Costs Associated With New Police Department Sector Plan.
(Requested by Commissioner Edward L. Tobin)
- R9Q Discussion Regarding The Status Report On The Biscayne Pointe Island Capital Improvements Project.
(Requested by Commissioner Jonah Wolfson)
- R9R Discussion To Reconsider The Off-Leash Designated Area At South Pointe Park.
(Requested by Commissioner Jonah Wolfson)
- R9S Discussion Regarding Updates On The Collins Canal / Bike Path Project.
(Requested by Commissioner Jorge R. Exposito)
- R9T Discussion Regarding The Request From The Developer Of The 500-600 Block Of Alton Road To Have The City Formally Participate In A Design Charette Process.
(Requested by Mayor Matti Herrera Bower)

R10 - City Attorney Reports

R10A City Attorney's Status Report.

(City Attorney Office)

R10B Closed Attorney-Client Sessions

Pursuant To §286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matter:

- 1) 1100 West Properties, LLC V. City Of Miami Beach, Circuit Court Case No. 09-70789 CA 23
- 2) City Of Miami Beach V. 1100 West Properties, LLC, Circuit Court Appellate Division Case No. 11-505 AP

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On February 8, 2012, In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor Matti Herrera Bower; Members Of The City Commission: Jorge Exposito, Michael Góngora, Jerry Libbin, Edward Tobin, Deede Weithorn And Jonah Wolfson; City Manager Jorge Gonzalez, City Attorney Jose Smith, First Assistant City Attorney Rhonda Montoya Hasan And First Assistant City Attorney Gary Held.

R10C Closed Attorney-Client Session

Pursuant To §286.011, Florida Statutes, The City Attorney Hereby Advises The Mayor And City Commission That He Desires Advice Concerning The Following Pending Litigation Matter:

Museum Walk Apartments V. City Of Miami Beach, Eleventh Judicial Circuit Of Florida, Appellate Jurisdiction, Case Nos. 011-058; 060; 061; 063; 069, 070, 072-084; 086; 087; 115-124; 662-670.

Therefore, A Private Closed Attorney-Client Session Will Be Held During The Lunch Recess Of The City Commission Meeting On February 8, 2012, In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And/Or Strategy Related To Litigation Expenditures With Regard To The Above-Referenced Litigation Matters.

The Following Individuals Will Be In Attendance: Mayor Matti Herrera Bower; Members Of The City Commission: Jorge Exposito, Michael Góngora, Jerry Libbin, Edward Tobin, Deede Weithorn And Jonah Wolfson; City Manager Jorge Gonzalez, City Attorney Jose Smith, First Assistant City Attorney Rhonda Montoya Hasan And First Assistant City Attorney Steven Rothstein.

Reports and Informational Items

Reports and Informational Items (see LTC #025-2012)

End of Regular Agenda

Miami Beach Redevelopment Agency

**City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive
February 8, 2012**

Chairperson of the Board Matti Herrera Bower
Member of the Board Jorge Exposito
Member of the Board Michael Góngora
Member of the Board Jerry Libbin
Member of the Board Edward L. Tobin
Member of the Board Deede Weithorn
Member of the Board Jonah Wolfson

Executive Director Jorge M. Gonzalez
Assistant Director Jorge Gomez
General Counsel Jose Smith
Secretary Robert E. Parcher

AGENDA

1. NEW BUSINESS

- 1A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA) Approving The Modification Of The Terms Of That Certain Mortgage And Promissory Note, In The Amount Of \$1,500,000, Dated February 5, 2007, Given By MBCDC: Meridian Place, LLC, A Florida Limited Liability Corporation, As Mortgagor, For Funds Advanced To MBCDC By The RDA For The Acquisition Of Meridian Place, 530 Meridian Avenue, Miami Beach, Florida; Said Modification Restructuring The Repayment Terms To Be Consistent With Other Affordable Housing Loans From The City, Which Defer The Repayment Of The Debt During The Documented Affordability Period; Further Approving A Subordination Of Said RDA Note And Mortgage, In Favor Of A Commercial Lender, To Be Determined By MBCDC, For An Amount Not To Exceed \$980,000; And Further Authorizing The Executive Director To Execute All Applicable Documentation.
(Real Estate, Housing & Community Development)
- 1B A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Approving And Authorizing The Chairperson And Secretary To Execute A First Amendment To That Certain Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (RDA) And Penn 17, LLC. (Lessee), Dated September 16, 2011, Involving The Lease Of Approximately 7,807 Square Feet Of Ground Floor Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; Said First Amendment Correcting The Gross Rentable Retail Space From 7,807 Square Feet To 7,655 Square Feet As Well Providing For Corresponding Reductions In Lessee's Annual Rent From \$585,525, To \$574,125, And In The Charge Of Common Area Maintenance (CAM) From \$100,370 Per Year, To \$98,850 Per Year. **Joint City Commission & Redevelopment Agency**
(Real Estate, Housing & Community Development)

End of RDA Agenda